

Orange County Superior Court of North Carolina

2024 FEB -8 P 3:28

ORANGE COUNTY, C.S.C.

BY SPM

Leroy Titus Ellis

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Duke University Press

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ' Yes ☒ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Leroy Titus Ellis

Street Address

3 Wyrick Street

City and County

Chapel Hill, Orange

State and Zip Code

North Carolina 27577

Telephone Number

919-239-7421

E-mail Address

lee.titus@att.net@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name

Duke University Press Organization

Job or Title (*if known*) Street

Address

905 West Main Street Suite 18-B

City and County

Durham, Durham

State and Zip Code

North Carolina 27705

Telephone Number E-mail

919 688 5134

Address (*if known*)

Defendant No. 2

Name

Job or Title (*if known*) Street

Address

City and County

State and Zip Code

Telephone Number E-mail

Address (*if known*)

Defendant No. 3

Name

Job or Title (*if known*) Street

Address

City and County

State and Zip Code

Telephone Number E-mail

Address (*if known*)

Defendant No. 4

Name

Job or Title (if known) Street

Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name

Street Address

City and County

State and Zip Code

Telephone Number

Duke University Press

905 West Main Street Suite 78B

Durham Durham

North Carolina 27701

919. 688 5134

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ✓ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in Orange County Superior Court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ✓ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in Orange County Superior Court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ✓ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in Orange County Superior Court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (specify the federal law):

Relevant state law (specify, if known):

North Carolina Persons with Disabilities Act

Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed. A.

The discriminatory conduct of which I complain in this action includes (check all that apply):

See attached pages

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☐ Other acts (specify):

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the Orange County Superior Court under the North Carolina employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

April 1, 2023

C. I believe that defendant(s) (check one):

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race
- ☐ color
- ☐ gender/sex

religion _____
national origin _____
age (year of birth) _____ (only when asserting a claim of age discrimination.)
☒ disability or perceived disability (specify disability) Benign Absence Vertigo
tagg ravat associated by former husband

E. The facts of my case are as follows. Attach additional pages if needed. See attached pages

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of North Carolina Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

August 28, 2023

B. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date)

November 8, 2023

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any

punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See attached paper

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

February 2024

Signature of Plaintiff

Ceroy Titus Elliott

Printed Name of Plaintiff

Ceroy Titus Elliott

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Raleigh Area Office
434 Fayetteville Street, Suite 700
Raleigh, NC 27601
(984) 275-4800
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: November 5, 2023

To: Mr. Leroy T. Elliott Jr.
3 Wyrick Street
CHAPEL HILL, NC 27514
Charge No: 433-2023-03154

EEOC Representative and email: ANGEL RIVERA
Investigator
angel.rivera@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 433-2023-03154.

On behalf of the Commission,

JENNIFER LANE Digitally signed by JENNIFER LANE
Date: 2023.11.05 22:04:40 -05'00' for

Johnnie Barrett
Area Director

Cc:

Bonnie Conner
Duke University Press
905 West Main Street Suite 18-B
EAST DURHAM, NC 27701

Please retain this notice for your records.

CHARGE OF DISCRIMINATION

For Official Use Only - Charge Number:
433-2023-03154

TA (October 2017)

| | |
|--|---|
| Personal Information | First Name: <u>Leroy</u> MI: <u>T</u> Last Name: <u>Elliot</u> Address: <u>P.O. Box 202</u> Apt: _____ City: <u>Hillsborough</u> County: <u>Orange</u> State: <u>NC</u> Zip Code: <u>27278</u> Phone: <u>919 239 7434</u> Home <input type="checkbox"/> Work <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Email: <u>lee.elliot@regmail.com</u> |
| Who do you think discriminated against you? | Employer <input checked="" type="checkbox"/> Union <input type="checkbox"/> Employment Agency <input type="checkbox"/> Other Organization <input type="checkbox"/> Organization Name: <u>Duke University Press</u> Address: <u>905 W. Main St.</u> Suite: <u>18-B</u> City: <u>Durham</u> State: <u>NC</u> Zip Code: <u>27701</u> Phone: <u>919 685 5130</u> |
| Why you think you were discriminated against? | Race <input type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Disability <input checked="" type="checkbox"/> Genetic Information <input type="checkbox"/> Retaliation <input type="checkbox"/> Other <input type="checkbox"/> (specify) _____ |
| What happened to you that you think was discriminatory? | Date of <u>most recent job action</u> you think was discriminatory: <u>4-1-2023</u> Also describe briefly <u>each job action</u> you think was discriminatory and when it happened (estimate). <u>I was discriminated against because I was late with the editing projects on the basis of two successive disabilities. The first disability happened on January 15, 2023. It was a sudden onset of Benign Positional Vertigo. The second disability happened in March 3, 2023 when I was assaulted by my former housemate in Chapel Hill. The effects of the assault remain to this day.</u> |
| Signature and Verification | I understand this charge will be filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address, phone, or email. I will cooperate fully with them in the processing of my charge in accordance with their procedures. I understand by signing below that I am filing a charge of employment discrimination with the EEOC. I understand that the EEOC is required by law to give a copy of the charge, which includes my allegations and my name, to the organization named above. I also understand that the EEOC can only investigate charges of job discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or based on retaliation for filing a charge of job discrimination, participating in an investigation of a job discrimination complaint, or opposing job discrimination. I declare under penalty of perjury that the above is true and correct. Signature: <u>Leroy Elliot</u> Date: <u>8-7-2023</u> |

I, Leroy Titus Elliott, Jr, was employed by Duke University Press in Durham as a copyeditor working remotely from April 1, 2022 to April 1, 2023.

To my knowledge and belief, Duke University Press employs more than fifteen individuals and is an employer under the law.

I am a qualified individual with disabilities under the Americans with Disabilities Act of 1990, as amended, and Duke University Press was aware of my disabilities.

I was discriminated against by Duke University Press when I was laid off by its senior editor Ms. Amy Buchanan because I was late with two editing projects on the basis of two successive disabilities.

The first disability happened on or about January 15, 2023. It was a sudden onset of benign positional vertigo, the effects of which remain to this day.

The second disability happened on or about March 3, 2023, when I was assaulted by my former housemate in Chapel Hill. The effects of the assault remain to this day.

On August 28, 2023, I filed a charge with the U.S. Equal Employment Opportunity Commission.

In addition, I have already uploaded into the U.S. EEOC website a note from my primary care provider testifying that I do have benign positional vertigo.

I have also already uploaded into the U.S. EEOC website a subpoena for my former housemate to appear in Orange County District Court on charges of assault against me.

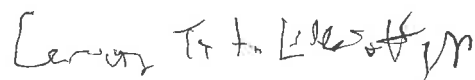
On November 8, 2023, I received, via the U.S. EEOC, a “right to sue” document, which means that I can file a lawsuit against Duke University Press, either in state court or federal court within 90 days.

I would like to file a lawsuit against Duke University Press in state court, seeking an as-yet-unspecified amount in monetary damages and an as-yet-unspecified amount in punitive damages.

I, Leroy Titus Elliott, Jr.,
first saw the document
named “Determination
and Notice of Rights,”
from the U.S. Equal
Employment Opportunity
Commission, on
November 8, 2023.

The 90th day will happen
on **February 8, 2024.**

Leroy Titus Elliott, Jr.

A handwritten signature in black ink that reads "Leroy Titus Elliott, Jr." with a stylized flourish at the end.